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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,719	01/30/2002	Gregory H. Brown	PSSIP0110US	8195

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EXAMINER

SILBERMANN, JOANNE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No. 066719	Applicant(s) Brown et al.	
Examiner Silbermann	Group Art Unit 5611	

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 10-8-03
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 21-35 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 28 is/are allowed.
- ☒ Claim(s) 21, 24-27, 29-35 is/are rejected.
- ☒ Claim(s) 22, 23 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinan et al. in view of Summey.
3. Dinan et al. teach a portable sign assembly including adjustable band 26 and sign supports 41 (having a planar front face) attached to an outer surface of the band, and panel assembly 11, 12 attached to the support and including two sign panels. The band has opposite ends connectable by locking mechanism (buckle) 30, 31 (Figure 1).
4. Dinan et al. do not teach the inner face of the sign support having a radius of curvature corresponding to a drum, however, such curved supports are well known, as shown by Summey. Summay teaches signs mounted on a curved support and an inner face that is curved to match the support (post) as shown in Figure 3. It would have been obvious to one of ordinary skill to provide such curvature for the sign support of Dinan et al. so as to provide a more secure connection between the post or drum and the sign support.
5. Claims 29-32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinan et al. in view of Krug.

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6. Dinan et al. do not teach a drop panel for mounting several signs, however, this is well known in the art as shown by Krug. Krug teaches a sign support (12) having several signs attached thereto (Figure 5). It would have been obvious to one of ordinary skill in the art to utilize such a panel in the display of Dinan et al. so as to provide space to mount as many signs as is desired. Krug does not teach the signs as being mounted vertically, however, it would have been obvious to mount the panel in either a vertical or horizontal manner so as to best display the desired information.

7. Claims 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dinan et al. and Krug as applied to claim 29 above, and further in view of Summey.

8. Dinan et al. and Krug do not teach a radiused inner face , however, this would have been obvious in view of Summer for the reasons discussed above.

9. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dinan et al. and Krug as applied to claim 29 above, and further in view of Kulp et al.

10. Dinan et al. and Krug do not teach combining the sign assembly with a traffic drum, however, such displays are well known in the art, as shown by Kulp et al. Kulp et al. teach a sign combined with a traffic drum (Figure 1). It would have been obvious to one of ordinary skill in the art to apply the sign of Dinan et al. (as modified) to a traffic drum so as to provide information an direction to drivers on a road that has been closed off, such as where traffic drums are used.

Allowable Subject Matter

11. Claim 28 is allowed.

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12. Claims 22 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

13. Applicant's arguments filed October 8, 2003 have been fully considered but they are not persuasive.

14. Applicant argues that the back edge 16a of Summey is not radiused, however, Applicant's arguments appear to be narrower than the actual claim language. The fact that Summey provides a plurality of these surfaces does not prevent this reference from reading on the claim.

15. Likewise, Dinan et al. provides a strap and buckle shown by 30, 31.

16. As shown by Krug, sign panels 30 extend above and below the drop panel.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the


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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 703-308-2091. The examiner can normally be reached on Tu-Th 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Joanne Silbermann
Primary Examiner
Art Unit 3611

js